

Remarks

A. Pending Claims

Claims 466-518 are currently pending.

B. Election of Species

The Office Action states: "Claims 466-470, 473-497, 499-508, and 510-518 are generic to a plurality of disclosed patentably distinct species outlined below". Applicant agrees that at least these claims are generic claims. Applicant reserves the right for consideration of claims to additional species written in dependent form upon allowance of a generic claim.

The Office Action states: "Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each Species Group A-F for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable." Applicant submits the following elections for each Species Group listed in the Office Action:

Species Group A

Applicant respectfully traverses the election of species in Species Group A. Applicant submits that species (2), (3), and (4) in Species Group A are subsets of species (1). All of the species in Species Group A include at least a single ferromagnetic material. Species (2), (3), and (4) include at least a single ferromagnetic material in combination with at least one additional material (e.g., a non-ferromagnetic material or a second ferromagnetic material). Thus, Applicant respectfully requests reconsideration and withdrawal or modification of the election of species in Species Group A.

Under the requirement of 35 U.S.C. § 121, Applicant provisionally elects the species with

the generic name: "(1) Heater section and method of heating comprising a single ferromagnetic material". At least the generic claims listed above (claims 466-470, 473-497, 499-508, and 510-518) read upon the provisionally elected species.

Species Group B

Applicant respectfully traverses the election of species in Species Group B as the currently pending claims appear to be generic to the species groups in Species Group B. Claims 474 and 511 describe a combination of features including: "wherein the ferromagnetic material comprises iron, nickel, chromium, cobalt, tungsten, or a mixture thereof." This feature appears to be generic to the species groups in Species Group B.

Under the requirement of 35 U.S.C. § 121, Applicant provisionally elects the species with the generic name: "(1) Heater section and method of heating wherein the ferromagnetic material comprises a mixture of iron and nickel".

Species Group C

Applicant elects the species described in at least claims 471, 498, and 509 without traverse. The generic name of the species is: "(2) Heater section and method of heating wherein the heater raises the temperature of the hydrocarbon material at or above the pyrolysis temperature".

Species Group D

Under the requirement of 35 U.S.C. § 121, Applicant provisionally elects the species with the generic name: "(1) Heater section and method of heating wherein AC is applied at about 180 Hz". Applicant respectfully traverses the election of species in Species Group D as none of the currently pending claims appear to read upon any of the species groups in Species Group D.

Species Group E

Applicant respectfully traverses the election of species in Species Group E. The Office Action lists two groups within Species Group E:

- (1) Heater section and method of heating comprising providing a reduced amount of heat of less than about 400 watts per meter of wellbore length while the conductors are above or near the selected temperature
- (2) Heater section and method of heating comprising providing a reduced amount of heat of less than about 400 watts per meter of wellbore length while the conductors are below the selected temperature

Applicant submits that species (2) reads on none of the claims presently pending in the application.

Under the requirement of 35 U.S.C. § 121, Applicant provisionally elects the species described in at least claim 499. The generic name of the species is: "(1) Heater section and method of heating comprising providing a reduced amount of heat of less than about 400 watts per meter of wellbore length while the conductors are above or near the selected temperature".

Species Group F

Under the requirement of 35 U.S.C. § 121, Applicant provisionally elects the species with the generic name: "(1) Heater section and method of heating comprising producing refined products from produced fluids". Applicant respectfully traverses the election of species in Species Group F as none of the currently pending claims appear to read upon any of the species groups in Species Group F.

C. Examiner Interview

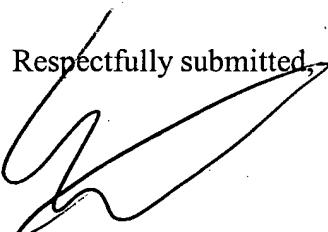
Applicant's Agent (Gareth Sampson, Reg. No. 52,191) conducted a phone interview with Examiner John Jeffery on July 19, 2005. In the interview, Applicant's Agent and Examiner Jeffery discussed the species election requirements. Examiner Jeffery confirmed his reasons for

requiring the election of species and the listing of generic claims in the case as described in the Office Action mailed June 27, 2005. Applicant's Agent confirmed that he would provide an election of species in a response to the Office Action to be filed soon thereafter. No other rejections, amendments, or arguments were discussed. Applicant sincerely appreciates Examiner Jeffery taking the time to discuss the case.

D. Additional Comments

Applicant believes no fees are due with the filing of this document. If an extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-21000/EBM.

Respectfully submitted,



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